

INTRADEPARTMENTAL CORRESPONDENCE

December 19, 2019
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: LAW ENFORCEMENT RELATED INJURY NO. 006-19

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OFFICE OF THE INSPECTOR GENERAL
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Honorable Members:

The following is my review, analysis and findings for Law Enforcement Related Injury (LERI), Force Investigation Division (FID) No. 006-19. A Use of Force Review Board (UOFRB) was convened on this matter on November 18, 2019. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On February 26, 2019, Officers P. Nunley, Serial No. 42129, and C. Gelvin, Serial No. 42397, Central Patrol Division, were in full uniform, driving a marked black and white police vehicle. Officers Nunley and Gelvin were regularly assigned partners and had worked together for approximately one year prior to the day of the incident. According to the officers, their tactical plan included Officer Nunley being designated as the *contact* officer and *less-lethal* force option, while Officer Gelvin was designated as the *cover* officer and *lethal* force option.

At approximately 1149 hours, Communications Division (CD) broadcast, "Any Central Unit, Assault with a Deadly Weapon (ADW) Suspect there now, 310 West Fifth Street, 310 West Fifth Street, at Jacky's Place, suspect male Hispanic armed with a six-inch knife, incident 2503, stand by for additional." At 1151 hours, Officer Nunley advised CD that they would handle the call and were equipped with a 40mm Less Lethal Launcher (LLL). The Person Reporting (PR) was later identified as R. Martinez, a patron of Jacky's Restaurant.

Sergeant R. Hurtado, Serial No. 26872, Central Patrol Division, was in full uniform and driving a marked black and white police vehicle when he advised CD that he was also responding to the incident. The FID investigation determined that Sergeant Hurtado was not wearing his body armor during this incident (**Debriefing Point No. 1, Additional Tactical Debrief Topics – Body Worn Video (BWV) Activation and Required Equipment**).

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

While enroute to the location, the radio call was updated with, "1A85, 1A85, additional on your ADW suspect there now, PR is outside, suspect is sitting down inside, suspect is 60 to 65 years, wearing a dark colored hooded sweater, other customers and employees inside the location."

Officers Nunley and Gelvin were the first unit to arrive at Jacky's Restaurant, located at 310 West Fifth Street. A review of Central Area Base Frequency captured Officer Nunley broadcast that they were Code Six at approximately 1152 hours.

According to Officer Gelvin, upon their arrival, Martinez was in the street attempting to *flag* them down. Martinez advised the officers that the male suspect, later identified as K. Sylvas, threatened to *slit her throat* with a *knife*. Martinez further advised that Sylvas *pulled out a knife and gestured at her* with it. As Martinez was relaying the information to the officers, Officer Gelvin noted that she was *wide eyed* and appeared to be *afraid* (**Additional Tactical Debrief Topic – Situational Awareness**).

According to Officer Nunley, she discussed a tactical plan with Officer Gelvin. The plan included Officer Nunley being the contact officer and less-lethal force option, while Officer Gelvin was the cover officer and lethal force option. Officer Nunley then asked Officer Gelvin to verify the status of the additional unit and supervisor enroute to their location. Officer Nunley retrieved the 40mm LLL from the trunk of her police vehicle and loaded it with one round because Sylvas *posed an immediate threat of violence* due to *him having the knife and threatening* Martinez.

According to Officer Gelvin, he broadcast a request for additional units and a supervisor. Officer Gelvin then conducted a *quick peek* from the sidewalk into the restaurant to ascertain Sylvas' location. Officer Gelvin observed Sylvas standing near the counter with his hands *clenched* alongside his thighs and *facing away* from the door. Officer Gelvin did not observe a knife in Sylvas' hands.

The FID investigation revealed that the front of the restaurant was constructed of glass and with the exception of a small portion near the front entrance door, had large stickers depicting menu options covering the windows. The dining area, where the use of force occurred, measured 7 feet and 10 inches from the front window to the glass display case and measured 17 feet and 6 inches in width.

According to Officer Nunley, she was aware that additional units were enroute to their location, so she approached the entrance to the restaurant and made verbal contact with Sylvas. Officer Nunley asked Sylvas, "Can you step outside, so we can talk?" Officer Nunley made repeated requests for Sylvas to step outside. Sylvas did not initially respond to the requests, but eventually stated, "Fuck you, bitch." Officers Nunley and Gelvin *backed off the door and created space* until the additional units arrived at scene.

Officers L. Bermudez, Serial No. 42357, and N. Lopez, Serial No. 42375, Central Patrol Division, were in full uniform and driving a marked black and white police vehicle when they

arrived at scene in response to the additional unit request. A review of Central Area Base Frequency captured Officer Bermudez broadcast that they were Code Six at approximately 1155 hours.

According to Officers Bermudez and Lopez, they were regularly assigned partners and had worked together for *approximately 13 months* prior to the day of the incident. Officer Bermudez stated that they had previously discussed *different scenarios* they could potentially encounter, and Officer Lopez stated that they had previously discussed *tactics*.

According to Officer Bermudez, upon arrival at scene and *based on the comments of the call*, he retrieved the 40mm LLL from the trunk of his police vehicle.

According to Officer Nunley, she delegated the 40mm LLL duties to Officer Bermudez. Officer Nunley removed the round from her 40mm LLL and slung the weapon across her back.

According to Officer Lopez, he approached Officers Nunley and Gelvin, who briefed him about the situation. Officer Lopez took over as the contact officer and initiated a conversation with Sylvas from a position just outside the open front door. Officer Lopez began to communicate with Sylvas in Spanish, but he reverted to English when Sylvas stated that he did not speak Spanish. He began asking Sylvas questions such as, "Hey, what's going on?" and "Who are you having problems with?" to assess the situation. Officer Lopez asked Sylvas *several* times to exit the location, but Sylvas refused.

According to the FID investigation, Officer Lopez' BWV captured Sylvas stating, "Fuck you, I ain't going nowhere."

According to Officer Lopez, he requested Sylvas to voluntarily exit the restaurant or officers would enter to take him into custody. Sylvas responded by stating, "I have a gun," as he *simultaneously reached towards* his right pants pocket. Believing Sylvas was arming himself with a firearm, Officer Lopez *unholstered and immediately observed* that Sylvas was armed with a knife. Officer Lopez remained unholstered with his service pistol in a low-ready position **(Drawing/Exhibiting)**.

According to Officer Gelvin, while officers were communicating with Sylvas and ordering him to exit the restaurant, Sylvas advised the officers that *he had a gun* and *swiftly* reached into his pockets. Officer Gelvin heard another officer at scene order Sylvas not to reach for the weapon. Officer Gelvin believed that the situation *could possibly escalate to lethal force*. In preparation to confront Sylvas, who may have been armed with a *gun or another weapon*, Officer Gelvin *drew out* his service pistol pointed in the direction of Sylvas. Officer Gelvin transitioned to a low-ready position once he observed that Sylvas *came out with a knife* from his jacket pocket **(Drawing/Exhibiting)**.

Note: According to the FID investigation, Officer Lopez believed that Sylvas removed the knife from his pants pocket. Officer Gelvin believed that Sylvas removed the knife from his jacket pocket. The FID investigation could not determine where Sylvas retrieved the knife from.

According to Officers Lopez and Gelvin, they advised the other officers at scene that Sylvas had armed himself with a knife.

According to Officer Lopez, he redeployed away from the doorway and onto the sidewalk, approximately *15 feet* away from Sylvas. Officer Lopez redeployed in order to create distance between him and Sylvas and to give Sylvas a *sense of wanting to walk out*. Officer Lopez, however, *didn't want to get too far from the door because there were patrons inside* and believed they were in immediate danger.

According to Officer Bermudez, he had positioned himself as the rear cover officer for the officers at scene. Upon becoming aware that Sylvas had armed himself with a knife, Officer Bermudez directed his attention towards Sylvas and faced him. Officer Bermudez momentarily assumed the role of contact officer by giving Sylvas *verbal commands to drop the knife* (**Additional Tactical Debrief Topic – Non-Conflicting Simultaneous Commands**).

A review of Central Area Base Frequency captured Officer Nunley broadcasting a request for a backup at approximately 1158 hours.

According to Officer Gelvin, Sylvas became *angrier the more that he was talked to* and was *gesturing* with the knife. Sylvas was *threatening to stab and kill* the officers with the knife the *whole time*. Officer Gelvin gave Sylvas a Use of Force Warning advising Sylvas to *drop the knife* or *less-lethal* force would be used and it could *seriously hurt him*.

According to the FID investigation, Officer Bermudez' BWV captured him advising Sylvas, "Don't rush us or I'm going to hit you with this [referring to the 40mm LLL], man. You better drop the knife." Immediately afterward, Officer Gelvin warned Sylvas to drop the knife or less lethal force would be used and it would *seriously hurt*.

According to Officer Bermudez, he *looked around for cover*, and because he *didn't see any*, he advised the other officers at scene that there was none.

According to the FID investigation, at approximately 1201 hours, Officer Nunley broadcasted a request for a ballistic shield; however, there was no response to the request. No ballistic shields were deployed during the incident.

Note: Captain S. Spell, Serial No. 30971, Commanding Officer, Central Patrol Division presented at the UOFRB that there was one ballistic shield deployed in the field at the time of the incident, however, the short duration of the incident precluded its deployment at the scene.

According to Officer Lopez, Sylvas *grabbed a chair with his left hand and shielded himself*. Officer Lopez opined that Sylvas grabbed the chair in response to observing the deployment of the less-lethal force options. Officer Lopez observed that Sylvas' only exposed body parts were the top of his head and right hand.

Note: According to Sylvas, he grabbed the chair in response to being shot with less-lethal munitions.

A review of Officer Gelvin's BWV captured him giving Sylvas an additional command to drop the knife. Officer Gelvin pointed to the 40mm LLL held by Officer Bermudez and warned Sylvas that the Beanbag shotgun would be utilized and it would hurt.

Officers F. Acevedo, Serial No. 42386, and E. Monteagudo, Serial No. 42592, Central Patrol Division, were in full uniform and driving a marked black and white police vehicle when they arrived at scene in response to the additional unit request. Officers Acevedo and Monteagudo arrived immediately after Sergeant Hurtado, who was the first supervisor to arrive at scene **(Additional Tactical Debrief Topics – Body Worn Video (BWV) Activation and Required Equipment)**.

A review of Central Area Base Frequency captured Sergeant Hurtado broadcast that he was Code Six at approximately 1159 hours.

According to Officer Monteagudo, due to the *nature* of the radio call, a "415 man armed with a knife threatening the PR," he believed that *the situation may escalate to the point where deadly force is justified* and drew his service pistol. Officer Monteagudo stated that he was also responding to a *backup* and observed another officer *unholstered* **(Drawing/Exhibiting)**.

Note: A review of Officer Monteagudo's BWV captured him unholstering as he approached the restaurant. According to the FID investigation, Officer Monteagudo holstered his service pistol when he was tasked with speaking to Martinez.

According to Sergeant Hurtado, upon arrival at scene, he observed officers on the sidewalk with lethal and less-lethal force options *pointed inside* the restaurant. Sergeant Hurtado approached the officers and was briefed by Officer Gelvin. Sergeant Hurtado assessed the situation and noticed that Sylvas was armed with *a knife inside a restaurant with other citizens*. Sergeant Hurtado did not redeploy the officers because *the suspect had a knife*, and they *had him at a point* that he did not want to *give up any ground at that time because there were citizens really close by*.

Sergeant K. Fuentes, Serial No. 38859, Central Patrol Division, was in full uniform and driving a marked black and white police vehicle when she arrived at scene in response to the back-up request. According to Sergeant Fuentes, she approached a group of officers in front of the location and was immediately briefed by Officer Nunley. Sergeant Fuentes noted that there was a designated lethal cover officer, an officer with a TASER, and an officer with a 40mm LLL in

front of the location. She assigned Officers Acevedo and Gelvin as an arrest team. Sergeant Fuentes then realized that Sergeant Hurtado was already coordinating the incident (**Additional Tactical Debrief Topics – Body Worn Video (BWV) Activation and Radio Codes and Procedures**).

According to Sergeant Hurtado, while he was assessing Sylvas' actions inside the restaurant, he observed Sylvas *waving* the knife around. Sergeant Fuentes came up and simultaneously started giving officers orders. Although he did not formally declare himself as the Incident Commander (IC), Sergeant Hurtado advised Sergeant Fuentes that he had control of the tactical operation by stating, "I got this." Sergeant Hurtado believed he was the IC due to being assigned the radio call and by taking over command of the tactical operations (**Additional Tactical Debrief Topic – Tactical Communication**).

According to Sergeant Fuentes, she believed that Sergeant Hurtado was the IC. Sergeant Fuentes then assisted with ancillary supervisory duties, which included ensuring an Investigative Report was signed by Martinez and assigning units to assist with perimeter duties (**Additional Tactical Debrief Topics – Barricaded Suspects and Effective Encounters with Mental Ill Persons**).

According to Sergeant Hurtado, he assessed the situation and observed that Sylvas was *not calming down* and *was aggressive*. Sylvas was armed with the knife and would not put it down. Sergeant Hurtado saw Sylvas holding the knife *in his right hand in a stabbing motion* and *then he had it up above his shoulder*. Sylvas' aggressiveness *may have been elevating* and he would not cooperate with the officers' commands to surrender. The officers tried to verbalize with Sylvas, *but at one point* Sergeant Hurtado believed they had to *protect the citizens* that were there. Sergeant Hurtado believed if he had not intervened at that point, Sylvas, who was armed *with the knife in a very small place*, could have stood up and *harmed* people. Sergeant Hurtado did not request specialized resources, such as the Mental Evaluation Unit (MEU), due to the *tactical situation* and the *urgency to stop his (Sylvas') actions*. Likewise, the Metropolitan Division, Special Weapons and Tactics (SWAT) unit was not requested because there was *no time* due to the *fluid tactical situation* and *citizens* nearby. Sergeant Hurtado attempted to get the citizens to exit the restaurant by *giving them a waving motion* and *yelling at them to come out*.

According to the FID investigation, Sergeant Hurtado's BWV captured an unidentified male exiting the restaurant in response to Sergeant Hurtado's commands. Additionally, the BWV captured Sergeant Hurtado using profanity during the incident which was said to himself and not directed toward anyone (**Additional/Required Equipment – Profanity**).

According to Witness B. Rodriguez, he was inside of Jacky's Restaurant because he delivers fruit to them regularly. Rodriguez *was going to exit*, but Sylvas *took out the knife* so Rodriguez *moved back instead*. Rodriguez *grabbed a dolly in case Sylvas did something to him*. When Sylvas said that he was going to *cut all of them*, Rodriguez *started recording in case something happened*.

According to the FID investigation, at 12:00:06 hours, Sergeant Hurtado broadcast *sufficient units only* and began to develop a tactical plan, which included the assignments of lethal force to Officer Lopez and less-lethal force to Officer Bermudez. Sergeant Hurtado directed both officers to step forward and advised Officer Lopez to keep talking to Sylvas.

A review of Officer Lopez' BWV captured Officers Lopez and Nunley ordering Sylvas to drop the knife multiple times (**Additional Tactical Debrief Topic – Non-Conflicting Simultaneous Commands**).

According to Sergeant Hurtado, he wanted both a Beanbag shotgun and a 40mm LLL available for deployment based on Sylvas being armed with a knife. Sergeant Hurtado, therefore, asked for a Beanbag shotgun in addition to the already deployed 40mm LLL.

According to Officer Monteagudo, while he was setting up to be a part of the arrest team, Sergeant Fuentes asked if he had a Beanbag shotgun. Officer Monteagudo acknowledged that he had a Beanbag shotgun. Officer Monteagudo returned to his police vehicle, *grabbed* the Beanbag shotgun and *made it ready*. Officer Monteagudo then *posted up* with the Beanbag shotgun next to Officer Bermudez, who deployed the 40mm LLL.

According to the FID investigation, the officers stood in a row, on the sidewalk, approximately 15 feet from the open door of the location. Officer Nunley was positioned the furthest east from the door and was armed with a TASER. Officer Lopez, who was armed with his service pistol, stood to the right of Officer Nunley. Sergeant Hurtado stood slightly behind and to the right of Officer Lopez. Officer Bermudez, who was armed with the 40mm LLL, stood to Sergeant Hurtado's right. Officer Monteagudo, armed with the Beanbag shotgun, stood to the right of Officer Bermudez. Officer Acevedo was assigned to the arrest team and was at the farthest west position of the configuration while Officer Gelvin, who was also assigned to the arrest team, stood in the street behind Officers Lopez and Bermudez. Sergeant Fuentes stood in the street, behind the configuration of officers.

According to Officer Nunley, she *walked over next door* to the adjacent business where Martinez was seated because she wanted to see if Jacky's Restaurant had a *back door* from which the citizens could safely be removed from the restaurant (**Additional Tactical Debrief Topic – Designated Less-Lethal Duties**).

According to Sergeant Fuentes, she re-directed Officer Nunley *back to the line* to her assignment as the designated TASER officer.

According to the FID investigation, Officer T. Shultz, Serial No. 40838, Central Patrol Division, briefly spoke with an employee next door at 312 West 5th Street, who informed that none of the businesses had rear access.

According to Officer Lopez, he continued trying to *de-escalate the situation* by communicating with Sylvas and offering him *resources*. Sylvas *continuously made jabbing motions* with the knife in his right hand, stated he “was not going to come out,” and threatened to *kill* Officer Lopez (**Debriefing Point No. 2**).

According to the FID investigation, in response to Officer Lopez’ commands, Sylvas continued to yell, “Fuck you.” Sylvas threatened to kill the officers while raising the point of the knife toward the officers. Rodriguez recorded a cellular phone video which depicted Sylvas yelling, “I’ll kill you mother fuckers!” Sylvas then made stabbing motions with the knife while holding it in an overhand grip. A review of Sergeant Hurtado’s BWV captured him discussing with the officers the different areas to target on Sylvas’ body when utilizing either the 40mm LLL or the Beanbag shotgun. Sergeant Hurtado then provided another Use of Force Warning to Sylvas stating, “Sir, you need to drop the knife or you’re going to be, or you’re going to be hit with less lethal. You’re going to be hit with a rubber bullet and it’s going to hurt.”

Note: Rodriguez’ cellular phone video captured Sylvas stating, “Try it motherfuckers. I’ll kill you fuckers. I wanna die right here,” immediately following Sergeant Hurtado’s warning.

According to Sergeant Hurtado, Sergeant Fuentes advised him that she had formed an arrest team. Sergeant Hurtado then advised Officers Bermudez and Monteagudo that he was going to say, “Beanbag standby,” but clarified with the officers that he wanted the 40mm LLL to be discharged first. Sergeant Hurtado decided to transition from verbalization with Sylvas to the discharge of less-lethal munitions because Sylvas was *aggressive*, did not put the knife down and there was a need to *protect the citizens* inside the restaurant (**Additional Tactical Debrief Topic – Tactical Communication**).

Note: According to the FID investigation, while later conducting a Non-Categorical Use of Force (NCUOF) investigation, Sergeant Fuentes interviewed four witnesses that were inside the location at the time of the Use of Force (UOF).

According to Officer Bermudez, citizens were inside the location and Sylvas had *continuous* movement while *actively waving* his hand *up and down* with the knife. Officer Bermudez fired one 40mm round from the 40mm LLL at Sylvas’ right hand to stop the immediate threat of violence (**Less-Lethal Use of Force**).

Note: According to Officer Bermudez, he believed he struck Sylvas’ right hand with the round; however, Sylvas did not drop the knife. According to Officer Lopez, he observed the 40mm round strike Sylvas on the right hand and noted that it had no effect.

Captain Spell presented at the UOFRB and it was confirmed by FID investigators that approximately seven minutes and three seconds elapsed between the time Sergeant Hurtado arrived on the scene to when the first 40mm round was fired by Officer Bermudez.

According to Sergeant Hurtado, he ordered a second discharge of the 40mm LLL because Sylvas still *had the knife in his hand and the chair in front of him*.

According to the FID investigation, Sergeant Hurtado's BWV captured him stating, "Go ahead, hit with," followed by him ordering Sylvas to drop the knife again.

According to Officer Bermudez, Sylvas continued to be *armed with a knife* as well as a chair. Sylvas continued *shouting and violently resisting while posing a threat* to the citizens inside the location, as well as to the officers standing on the sidewalk. Sylvas started *waving the knife in bigger motions while refusing to comply* with the officers' orders. Officer Bermudez fired a second round from the 40mm LLL at Sylvas' right hand to stop the immediate threat of violence. Officer Bermudez believed the round struck Sylvas' hand for a second time (**Less-Lethal Use of Force**).

Note: Based on a review of Rodriguez' cell phone video, the FID investigation revealed that Officer Bermudez' second 40mm round did not appear to make contact with Sylvas. Sergeant Hurtado's BWV captured both Sergeant Hurtado and Officer Lopez continuing to order Sylvas to drop the knife. In addition, Officer Lopez advised the other officers that Sylvas was still armed.

According to Officer Bermudez, Sylvas, who was still armed with the knife, started to make threats against the officers by stating, "I'm going to kill you." As Sylvas continued to *resist and pose a threat* to the citizens and officers, Sylvas raised the chair *higher*, exposing his legs. Sergeant Hurtado ordered Officer Bermudez to *take the shot*. Officer Bermudez fired a third round from his 40mm LLL aimed at Sylvas' right leg to stop the immediate threat of violence. Officer Bermudez believed he struck Sylvas' outer right leg, but Sylvas still did not drop the knife (**Less-Lethal Use of Force**).

According to the FID investigation, following the discharge of the third 40mm round, Officer Bermudez extracted the spent 40mm cartridge case from the launcher, closed the empty breach and slung the 40mm LLL over his left shoulder and across his back.

A review of Sergeant Hurtado's BWV captured him stating, "Beanbag, Beanbag!" after Officer Bermudez fired the third and final 40mm round at Sylvas.

According to Officer Monteagudo, due to the *close quarters* within the restaurant, Sylvas was still *armed with a knife* and had immediate access to multiple victims in *close proximity* to him. Officer Monteagudo noted Sylvas' *erratic* behavior and the ineffectiveness of the 40mm LLL. To prevent Sylvas from *attacking* the citizens inside the location and to negate a *possible hostage situation*, Officer Monteagudo fired a Super-sock round from his Beanbag shotgun aimed at Sylvas' upper right arm to stop the immediate threat of violence (**Less-Lethal Use of Force**).

According to the FID investigation, Rodriguez' cellular phone video appeared to depict that the first Super-sock round impacted Sylvas' right leg. Sylvas made a guttural sound in reaction to being hit with the first Super-sock round. Sylvas continued holding the knife in an overhand position as he began to move the chair up and down, using it as a shield.

According to Officer Monteagudo, Sylvas continued to *wave* the knife while holding it in an *overhand stabbing* position and started to *scream even louder*. Additionally, Sylvas used the chair to *cover* himself, *bracing for another impact*. At that point, Officer Monteagudo fired a second Super-sock round from his Beanbag shotgun aimed at Sylvas' right thigh to stop the immediate threat of violence (**Less-Lethal Use of Force**).

According to the FID investigation, Rodriguez' cellular phone video appeared to depict the second Super-sock round impacting Sylvas' right arm.

According to Sergeant Hurtado, after the discharge of three 40mm rounds and two Super-sock rounds, the *knife flew out of* Sylvas' hand. Believing that was a *good time* to take Sylvas *into custody*, Sergeant Hurtado told the officers, "Let's go." (**Additional Tactical Debrief Topic – Tactical Communication**).

According to the FID investigation, Sergeant Hurtado's BWV captured Officer Lopez enter the restaurant first, followed by Officers Monteagudo, Acevedo, Bermudez, Gelvin, Nunley and lastly Sergeant Hurtado. Just after entering the restaurant, Officer Monteagudo slung his Beanbag shotgun over his left shoulder and across his back.

According to Officer Lopez, he observed that Sylvas dropped the knife and subsequently was the first to make entry into the restaurant at the direction of Sergeant Hurtado. Officer Lopez maintained his service pistol in his right hand and used his left *hand to grab* Sylvas' right hand to prevent him from re-arming himself. Officer Lopez did this because he believed he had a *clear shot* to *kick the knife away* but was unable to reach the knife. Officer Lopez then moved out of the way for the arrest team to *grab a hold of* Sylvas. Officer Lopez acknowledged he may have *covered himself* with his muzzle but was cognizant of his muzzle direction and did not want to *cover any other officers* (**Non-Lethal Use of Force and Additional Tactical Debrief Topic – Basic Firearms Safety Rules**).

According to Officer Bermudez, as the officers were making entry into the location, he observed Sylvas attempting to *reach for the knife* that he had dropped on the floor. In order to create distance between Sylvas and the knife, Officer Bermudez *pushed* Sylvas on his right shoulder area (**Non-Lethal Use of Force**).

According to Officer Acevedo, in order to prevent Sylvas from rearming himself with the knife, *effect the arrest* and take Sylvas into custody *with no further incident*, Officer Acevedo *grabbed* Sylvas' left arm with his left hand and *swept* him down to the ground. After the takedown, Sylvas' right hand was concealed underneath his body. Officer Acevedo reached under Sylvas' body and used his left hand to pull out Sylvas' right hand (**Non-Lethal Use of Force**).

Note: A review of Officer Acevedo's BWV revealed that he applied a wrist lock to Sylvas' right hand to facilitate the handcuffing. BWV captured him using his right and left hands to pull at the right sleeve of Sylvas' sweatshirt, which in turn pulled Sylvas' right hand out from underneath his body (**Non-Lethal Use of Force**).

According to Officer Monteagudo, after entering the location to effect an arrest on Sylvas, he *grabbed* Sylvas' left wrist with his left hand. Officer Monteagudo then used his right hand to place a *C grip* on Sylvas' elbow and *walked* Sylvas down to the ground (**Non-Lethal Use of Force**).

According to Officer Gelvin, as Sylvas was being taken to the ground, he observed Sylvas' knife on the ground near the chair where Sylvas had been seated. To prevent Sylvas from re-arming himself, Officer Gelvin picked up the knife by using a couple of his fingers to grip the edges of the handle.

Note: A review of Officer Gelvin's BWV revealed him stating, "I got the knife! Knife's out of play! Knife's out of play!"

According to Officer Monteagudo, after Officers Bermudez and Acevedo took Sylvas to the ground, he placed his right knee on Sylvas' lower back to assist the officers with controlling Sylvas. Officer Monteagudo then applied a *finger flex* on Sylvas' hand to bring Sylvas' arm behind his back and facilitate the handcuffing (**Non-Lethal Use of Force**).

Note: A review of Officer Nunley's BWV revealed that Officer Monteagudo applied a wrist lock to Sylvas' left hand.

A review of Officer Lopez' BWV revealed that Officers Lopez, Bermudez and Monteagudo did not don gloves prior to initiating physical contact with Sylvas, who was bleeding from an open wound on his right hand. (**Additional/Required Equipment – Personal Protective Equipment**).

According to the FID investigation, Officer Nunley's BWV captured her positioned near Sylvas' feet. Officer Nunley can be heard telling Sylvas, "Relax, Relax, Relax or I'm going to taze you." In the video, Officer Nunley can be seen holding a TASER in her right hand with the laser sight illuminated (**Additional Tactical Debrief Topic – TASER Manipulations**).

According to Officer Nunley, two officers were *holding* Sylvas' arms. Officer Nunley *approached* from Sylvas from behind and *straddled* him. Without placing any bodyweight on Sylvas, Officer Nunley *grabbed* his right arm and placed the handcuffs on him (**Non-Lethal Use of Force**).

According to the FID investigation, Sylvas was arrested for 422(a) PC – Criminal Threats. At approximately 1207 hours, Gelvin broadcast that there was a *Code 4* and that the suspect was in custody. At approximately 1208 hours, Officer K. Rice, Serial No. 39945, Central Patrol Division, broadcasted a request for a Rescue Ambulance (RA).

Los Angeles Fire Department (LAFD) personnel responded and conducted a medical assessment of Sylvas, provided treatment and transported him to Los Angeles County, University of Southern California (LAC + USC) Medical Center (**Additional Tactical Debrief Topic – Requesting a Rescue Ambulance**).

According to the FID investigation, Sergeant Hurtado notified the Central Area Watch Commander, Sergeant James Sterling, Serial No. 35950, Central Patrol Division, of Sylvas' injuries. Sergeant R. Ruiz, Serial No. 38154, Central Patrol Division, responded and initiated a NCUOF investigation at scene. Sergeant Ruiz responded to LAC + USC Medical Center and was advised by medical personnel that Sylvas would be admitted to the hospital for an open fracture to his right hand. FID was notified and responded to LAC + USC Medical Center and was in the process of conducting an assessment when they were notified that Sylvas was going to be admitted. Once this was confirmed, the incident was reclassified as a Categorical Use of Force (CUOF).

According to the Watch Commander's Daily Report, while at scene, Sergeant Hurtado along with Officers Acevedo, Bermudez, Gelvin, Lopez, Monteagudo and Nunley responded to Central Community Police Station pending a possible CUOF investigation.

Sergeant F. Ospina, Serial No. 25110, Central Patrol Division, separated and monitored Sergeant Hurtado.

Sergeant A. Castellanos, Serial No. 36973, Central Patrol Division, separated and monitored Officers Gelvin and Nunley.

Sergeant B. Coss, Serial No. 37023, Central Area Resources Enhancement Services Enforcement Team (RESET), separated and monitored Officers Acevedo and Monteagudo.

Sergeant Y. Jheon, Serial No. 36677, Central Area Special Problems Enforcement Unit (SPEU), separated and monitored Officers Bermudez and Lopez.

Note: According to the FID investigation, Sergeant Fuentes recalled being separated and monitored in the sergeant's room but not by whom. The Central Area Watch Commander's Daily Report did not reflect the separation and monitoring of Sergeant Fuentes' and no additional logs were located documenting her separation and monitoring.

FINDINGS

Tactics – Administrative Disapproval, Sergeant Hurtado. Tactical Debrief, Sergeant Fuentes, along with Officers Acevedo, Bermudez, Gelvin, Lopez, Monteagudo and Nunley.

Drawing/Exhibiting – In Policy, No Further Action, Officers Gelvin, Lopez and Monteagudo.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Acevedo, Bermudez, Lopez, Monteagudo and Nunley.

Less-Lethal Use of Force – In Policy, No Further Action, Officers Bermudez and Monteagudo.

ANALYSIS²

Detention

Officers Gelvin and Nunley responded to a radio call of an ADW suspect there now. Upon arrival, Officers Gelvin and Nunley were flagged down by the PR (Martinez), who advised them that the suspect (Sylvas) had brandished a knife and threatened to slit her throat. Martinez directed the officers to Sylvas who was seated inside Jacky's Restaurant. Prior to approaching Sylvas' location, Officer Gelvin verified the response of additional units and a supervisor due to the information from Martinez. Additional officers and Sergeant Hurtado responded to the request. The confined space of the restaurant placed the restaurant patrons and employees within close proximity of Sylvas who was violent and armed with a knife. In order to protect the citizens inside the restaurant from Sylvas, the officers utilized less-lethal force which caused Sylvas to drop the knife. Officers then used non-lethal force to overcome Sylvas' resistance and effect his arrest. The officers' and sergeant's actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

² The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Nunley and Gelvin, having worked as partners for approximately one year, had a standing plan regarding contact and cover roles, as well as lethal and less-lethal force option designations. Upon his arrival, Sergeant Hurtado considered the exigency of the situation and continued to emphasize planning by assigning officers to provide lethal force cover as well as a variety of less-lethal force options. Sergeant Fuentes assigned officers to an arrest team. Sergeant Hurtado considered requesting MEU and SWAT, but he decided that the exigency of the situation precluded their involvement at the time. While Sergeant Hurtado did not clearly communicate a plan to enter the restaurant and make physical contact with Sylvas after the deployment of less-lethal munitions, the overall planning during this incident assisted in bringing this situation to a successful resolution and it was obvious that the preservation of life was the officers' and sergeants' primary objective.

Assessment – After meeting with PR Martinez and assessing the information given to them, Officer Nunley retrieved the 40mm LLL from the police vehicle in order to have less-lethal force options available during a potential edged weapon encounter. As they approached the location and prior to contacting Sylvas, Officer Gelvin utilized a "quick-peek" to ascertain Sylvas' exact location within the restaurant and thereby gain a tactical advantage. Prior to making verbal contact with Sylvas, Officers Nunley and Gelvin had assessed the situation and observed that Sylvas did not have any weapons in his hands and were aware that additional units were responding. As Sergeant Hurtado dealt with the ongoing tactical incident, Sergeant Fuentes considered other needs and formulated an arrest team, assigned ancillary duties, designated officers to assist in mitigating pedestrian traffic and ensured that a crime report was taken from the Martinez. During the discharge of multiple less-lethal rounds, Officers Bermudez and Monteagudo assessed after each round that they fired. Officer Bermudez assessed the situation and was specifically cognizant of the danger of a potential ricochet from less lethal rounds to citizens inside the restaurant. Sergeant Hurtado was able to assess that Sylvas was no longer armed with the knife and determined that it was the safest time for the officers to physically detain him. Throughout the incident, including during the use of less-lethal and non-lethal force, the officers and sergeants continuously assessed Sylvas' actions to determine the appropriate course of action.

Time – After making initial verbal contact with Sylvas, Officers Gelvin and Nunley did not approach him and took the time to wait for the arrival of additional resources in an effort to gain a tactical advantage. After assuming the role as the contact officer, Officer Lopez kept Sylvas' attention focused on him instead of the patrons and employees inside the restaurant. This tactic afforded the officers additional time for tactical planning and re-assessments. Upon arrival, Sergeant Hurtado directed the officers to continue communicating with Sylvas, providing Sergeant Hurtado additional time to quickly evaluate the situation, given its exigency, and put together a tactical team and coordinated effort with designated assignments. It was noted that the situation posed a tactically difficult scenario for the responding officers as there was no available cover and the presence of civilians in close proximity to Sylvas, who was armed with a knife, meant that the officers could not gain distance without sacrificing their ability to render timely aid to the citizens.

Redeployment and/or Containment – As Officer Lopez communicated with Sylvas, Sylvas advised the officers he had a gun and reached into his pockets. When Sylvas brandished a knife from his pocket instead of a gun, officers rapidly assessed the situation, did not resort to lethal force and redeployed a few times to increase the distance between Sylvas and themselves, ending approximately 22 feet away from Sylvas. The officers balanced their distance and angle on the location with keeping visual contact with Sylvas in the event the situation escalated further. The location was contained by the officers at the front of the business and the location did not have any rear exits.

Other Resources – Prior to approaching the restaurant, Officer Gelvin verified the response of other resources, including a supervisor and an additional unit and Officer Nunley ensured that they were armed with a 40mm LLL. When Sylvas armed himself with a knife, Officer Nunley broadcasted a back-up to request additional units. She also requested a ballistic shield due to the officers' lack of cover on the sidewalk. Sergeant Hurtado ensured that a variety of less-lethal force options, including a TASER, 40mm LLL and a Beanbag shotgun were deployed during the incident. While Sergeant Hurtado was occupied with directing the tactical operations, it would have been preferred that Sergeant Fuentes made notifications to SWAT and MEU since she was the second sergeant at the scene. It was noted that Sergeant Fuentes utilized other resources by assigning incoming personnel to pedestrian and traffic control and other ancillary duties, including obtaining additional information from the original victim (Martinez).

Lines of Communication – Throughout the incident, the officers and supervisors utilized lines of communication with each other, Sylvas, the restaurant patrons and Martinez. Officer Nunley initially approached the entrance of the restaurant and requested Sylvas to exit the location in an attempt to gain his compliance and reduce the potential harm to the patrons and employees who were in close proximity to Sylvas. Upon the arrival of additional officers, the officers utilized Officer Lopez, a Spanish-speaking officer, to attempt to open a dialogue with Sylvas. As Sylvas waved the knife in the air and appeared to be making stabbing motions, officers issued multiple Use of Force Warnings to Sylvas ordering him to drop the knife or possibly suffer injury. Sylvas did not comply and although he had refused multiple orders from the officers, the arriving supervisor, Sergeant Hurtado, directed the officers to continue their de-escalation efforts by communicating with Sylvas. This sustained effort kept Sylvas distracted from the patrons nearby

and allowed Sergeant Hurtado to assess and cultivate a coordinated tactical plan. Throughout the incident, the officers and sergeants continued to communicate with Sylvas both before and during the use of force.

The UOFRB noted the Mental Health Intervention Training (MHIT) received by the officers at scene and opined that it played a vital role in the encounter with Sylvas. The training was evident in how the officers initially approached the encounter with Sylvas and used varying communication tactics throughout the incident. I concur with the UOFRB and in examining their communication efforts, it was apparent that the officers and sergeants were continually attempting to de-escalate a tense situation in the hopes of gaining Sylvas' voluntary compliance to submit to a lawful arrest.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Body Armor (Substantial Deviation – Sergeant Hurtado)

All sworn personnel shall wear Department approved body armor and an authorized police equipment belt when assigned to the field, geographic Area front desk or traffic Division front desk related duties (Los Angeles Police Department Manual, Volume 4, Section 216.52).

Sergeant Hurtado did not don his Department-approved body armor as required when conducting field related duties.

In this case, the UOFRB considered not only the individual safety of Sergeant Hurtado, but also what could have occurred if Sergeant Hurtado were to suffer injuries as a result of not wearing body armor during a volatile incident. The UOFRB opined that in an unfortunate scenario where Sergeant Hurtado incurred injuries, the officers at scene would reasonably divert their attention from the tactical operation in order to render aid to Sergeant Hurtado. Sergeant Hurtado was also the tactical team leader and IC of this critical incident and if critically injured would be unable to perform those functions. In addition to the consideration of his personal safety, Sergeant Hurtado is expected to be an example for his subordinates and comply with the Department's mandated field equipment requirements.

A project was generated through the Office of Operations (OO) after the FID investigation revealed Sergeant Hurtado was not wearing his body armor during the incident. Central Area's command served Sergeant Hurtado with a Notice To Correct Deficiencies (NTCD) and initiated a Supervisory Action Item (SAI) for Sergeant Hurtado (SAI No. 722191). The corrective actions were approved by the Commanding Officer of Operations – Central Bureau (OCB) and the Director of OO. I would have preferred this matter be handled with the initiation of a personnel complaint investigation rather than the issuance of a NTCD.

Moving forward, the Chief of Police (COP) and the Director of the Office of Operations will discuss consistency in corrective action so as not to reduce the COP's discretion in determining the outcomes for involved employees.

The UOFRB determined, and I concur, that Sergeant Hurtado's decision not to don his body armor while working in a patrol capacity was a substantial deviation, without justification, from Department policy and approved tactical training. I will direct that this be topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Contact and Cover Roles

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack.

The contact officer is the officer initiating an action who becomes responsible for conducting the contact. The cover officer is the officer responsible for surveillance and control of a suspect in order to free the contact officer to perform a thorough investigation.

NOTE: *Officer safety is a primary responsibility of all peace officers at all times. The contact officer should never rely solely on the cover officer for protection (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Officer Lopez acted as both the contact officer and the lethal cover officer, also known as Designated Cover Officer (DCO). As the contact officer and the DCO, Officer Lopez was the primary means of communication and the only designated lethal force option available as part of the tactical plan. While this dual assignment is often performed when there are minimal resources at a scene, it is preferable to reassign one of the responsibilities to another officer as soon as practicable, so the officers can focus on a singular task. Therefore, upon the arrival of additional resources, it would have been beneficial for either Sergeant Hurtado or Officer Lopez to re-assign one of Lopez' assigned duties to another officer in order to reduce the multi-tasking required of Officer Lopez.

As a result of being both the contact and cover officer, Officer Lopez was in a position to enter the restaurant first. As he was entering the restaurant, Officer Lopez observed Sylvas attempting to reach for the knife in order to rearm himself. Officer Lopez initiated physical contact with Sylvas using his left hand while still holding his service pistol in his right hand. Officer Lopez recognized he was not supposed to initiate physical contact while unholstered, but felt it was necessary since he was the first to make entry. Because he was closest to Sylvas, Officer Lopez saw a window of opportunity to kick the knife out of Sylvas' reach and wanted to prevent Sylvas from rearming himself, prior to the arrest team making physical contact.

Officer Lopez recognized the unsafe situation of initiating physical contact with Sylvas while armed with his service pistol and corrected his actions by immediately stepping aside to allow

the arrest team to take Sylvas into custody. The UOFRB recognized that Officer Lopez was critical of himself and self-corrected his actions.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that although Officer Lopez deviated from his role as the DCO, he did so to prevent Sylvas from re-arming himself with the knife. Additionally, he entered the restaurant under the direction of Sergeant Hurtado. Officer Lopez' assuming the role of a contact officer, while still in the designated role of a cover officer, was a substantial deviation, with justification, from approved Department tactical training. In an effort to improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Body Worn Video (BWV) activation – The investigation revealed that Sergeants Hurtado and Fuentes, along with Officers Monteagudo and Acevedo did not activate their BWV during their Code Three response. Sergeants Hurtado and Fuentes, along with Officer Monteagudo, activated their BWV upon arrival at scene, while Officer Acevedo activated his BWV approximately one minute after being at scene. The aforementioned personnel are reminded of the importance of activating BWV as soon as it is practical and safe to do so when initiating any investigative or enforcement activity involving a member of the public, and while responding Code Three. During the UOFRB, Captain Spell advised that a thorough review of Sergeants Hurtado' and Fuentes' and Officer Monteagudo's work histories had been conducted which revealed there were no prior incidents involving failures to activate BWV. Captain Spell advised that a SAI will be generated for Sergeants Hurtado and Fuentes, along with Officer Monteagudo for this incident. Additionally, a thorough review of Officer Acevedo's work history revealed one prior late activation in April 2019 during a Non-Categorical Use of Force. A SAI was generated for that previous incident, as well as this current incident.

During the UOFRB, Captain Spell advised that these issues were addressed through divisional training and he recommended that the BWV Policy and Procedure be reviewed with the aforementioned personnel during the Tactical Debrief as well. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Required Equipment – The investigation revealed that Officer Acevedo left his side-handle baton in his police vehicle and that Sergeant Hurtado was not equipped with his Hobble Restraint Device (HRD) at the time of the incident. Both Officer Acevedo and Sergeant Hurtado are reminded of the importance of having their required field equipment on their person to allow for additional tools and force options to de-escalate an incident. During the UOFRB, Captain Spell recommended the subject of "Required Equipment" be reviewed with Officer Acevedo and Sergeant Hurtado during the Tactical Debrief. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Situational Awareness – The investigation revealed Officers Gelvin and Nunley met and interviewed the PR while standing in the street. Officers Gelvin and Nunley are reminded of the dangers posed by conducting activities on the roadway and when practical, to utilize the sidewalk to ensure the safety of all involved. I will direct this to be a topic of discussion during the Tactical Debrief.

Non-Conflicting Simultaneous Commands – The investigation revealed Officers Lopez and Nunley simultaneously ordered Sylvas to drop the knife. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct this to be a topic of discussion during the Tactical Debrief.

Radio Codes and Procedures – The investigation revealed that due to the ongoing tactical incident and consideration for maintaining a clear radio frequency, Sergeant Fuentes did not broadcast she was responding Code Three to the incident, nor did she broadcast she was Code Six upon arrival. Sergeant Fuentes is reminded of the Department's requirement to notify CD of Code Three responses and Code Six locations whenever feasible. During the UOFRB, Captain Spell recommended that radio codes and procedures be reviewed with Sergeant Fuentes during the Tactical Debrief. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Tactical Communication – The investigation revealed that Sergeant Hurtado assumed the responsibilities of an IC through his actions but did not formally declare himself as the IC. As the IC, Sergeant Hurtado did not clearly communicate a plan to enter the restaurant and make physical contact with Sylvas after the deployment of less-lethal munitions. Additionally, Sergeant Hurtado used the incorrect preparatory commands to alert officers of the 40mm LLL being ready to fire. Sergeant Hurtado is reminded of the importance of effective communication and the usage of correct terminology during a tactical incident to reduce possible confusion and improve operational success. During the UOFRB, Captain Spell recommended that the topic of tactical communication, including the declaration upon assuming the role of the IC and 40mm LLL terminology, be reviewed with Sergeant Hurtado during the Tactical Debrief. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Barricaded Suspects – Metropolitan Division SWAT was not notified due to the rapidly evolving tactical incident with multiple citizens within reach of Sylvas. It was noted that Sergeant Hurtado was coordinating with officers and was dealing with the immediate tactical operations and Sergeant Fuentes was in a better position to make notifications and request additional resources as the secondary supervisor at scene. In doing so, Sergeant Fuentes would have assisted Sergeant Hurtado, who had assumed command and control over the tactical operation. Sergeant Fuentes is reminded of the importance of making timely notifications to the appropriate entities to enhance the available resources at the scene in order to bring the incident to a successful resolution. During the UOFRB, Captain Spell recommended that making

notifications and requesting additional resources be reviewed with Sergeant Fuentes during the Tactical Debrief. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Effective Encounters with Mentally Ill Persons – The investigation revealed that Sylvas' behavior was consistent with a person suffering from mental illness and/or being under the influence of alcohol or narcotics. As the secondary supervisor at scene, Sergeant Fuentes was in a better position to make notifications and request additional resources to assist Sergeant Hurtado, who had assumed command over the tactical operations. Sergeant Fuentes is reminded of the resources available when encountering persons suffering from mental illness, including contacting the Department's Mental Evaluation Unit (MEU) for guidance. During the UOFRB, Captain Spell recommended making notifications and requesting additional resources be reviewed with Sergeant Fuentes during the Tactical Debrief. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Designated Less-Lethal Duties – The investigation revealed that Officer Nunley left her position as the designated TASER officer in an attempt to ascertain if there was a rear entrance/exit to the location and had to be directed back to her assignment. Additionally, although Officers Bermudez and Monteagudo were not assigned as part of the arrest team, they slung their beanbag shotgun and 40mm Less-Lethal Launchers and initiated physical contact with Sylvas to take him into custody. Although it is sometimes necessary for officers in designated roles to be flexible and take on other roles, it can create confusion and reduce operational effectiveness, therefore, officers are reminded of the importance of maintaining their designated roles when sufficient resources are available. I will direct this to be a topic of discussion during the Tactical Debrief.

Basic Firearms Safety Rules – The investigation revealed that Officer Lopez made physical contact with Sylvas using his left hand while holding his service pistol in his right hand. Officer Lopez allowed the muzzle of his service pistol to momentarily cover his left hand as he initiated physical contact with Sylvas. Officer Lopez is reminded of the importance of the Department's Basic Firearm Safety Rules. During the UOFRB, Captain Spell recommended that Basic Firearms Safety Rules be reviewed with Officer Lopez during the Tactical Debrief. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

TASER Manipulations – The investigation revealed that the laser sight on Officer Nunley's TASER was illuminated, indicating that the TASER's safety was off as Officers Monteagudo and Acevedo took Sylvas into custody. Officer Nunley's BWV captured the laser sight momentarily covering both Officer Monteagudo's back and the back of Officer Acevedo's head. Officer Nunley is reminded of the importance of TASER manipulations and weapons discipline. During the UOFRB, Captain Spell recommended that TASER manipulations be reviewed with Officer Nunley during the Tactical Debrief. The Commanding Officer of OCB and the Director

of OO concurred with this action. As such, I deem no further action is necessary and will direct this to be a topic of discussion during the Tactical Debrief.

Requesting a Rescue Ambulance (RA) – The investigation revealed that despite the anticipated use of less-lethal force options and Sylvas being armed with an edged weapon, Sergeants Hurtado and Fuentes did not have a RA on standby during the tactical incident. While an RA was requested moments after Sylvas was taken into custody, both sergeants are reminded of the importance of reverence for human life and ensuring the timely response of appropriate emergency medical personnel. I will direct this to be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Hurtado responded to a CD request for a supervisor as part of the Department's Edged Weapons Protocol. Sergeant Hurtado was the first supervisor to arrive at scene and while he did

not declare himself as the IC, he assumed the role of an IC through his actions. Sergeant Hurtado received a briefing from Officer Gelvin and inquired if there were other citizens inside the location.

Sergeant Fuentes arrived at the location in response to the back-up request and was the second supervisor at scene. Sergeant Fuentes began to designate lethal and less-lethal force options not realizing that Sergeant Hurtado was already at scene. Sergeant Hurtado advised Sergeant Fuentes that he had tactical control of the incident.

Sergeant Hurtado directed the citizens inside the restaurant to exit with partial compliance. Due to his assessment of the available resources at scene, Sergeant Hurtado broadcasted he had sufficient units at the location. Sergeant Hurtado designated the roles of lethal and less-lethal force options to officers at scene. Sergeant Hurtado verified that Sylvas did not speak Spanish and advised the officers to continue verbalizing with Sylvas. Sergeant Hurtado also verified the type of crime with Officer Gelvin, assessed the situation and requested a Beanbag shotgun from Sergeant Fuentes, who directed Officer Monteagudo to retrieve and deploy the Beanbag shotgun.

Sergeant Fuentes formed an arrest team and advised Sergeant Hurtado of their presence. Sergeant Fuentes noted Officer Gelvin's position behind Officer Lopez, believed a potential cross-fire situation could occur and directed Officer Gelvin to holster his weapon.

When Officer Nunley left her less-lethal assignment to ascertain if there was a rear entrance to the restaurant, Sergeant Fuentes re-directed Officer Nunley back to her designated role (TASER) on the contact team. Sergeant Fuentes took control over ancillary duties, which included the directing of multiple officers to contain the scene and prevent pedestrians from entering a dangerous situation. Sergeant Fuentes also directed Officers Shultz and W. Cowen, Serial No. 41348, Central Patrol Division, to interview the PR (Martinez) and obtain sufficient relevant information to complete a crime report.

Sergeant Hurtado issued multiple Use of Force Warnings prior to directing Officer Bermudez to discharge the 40mm LLL, which was followed by directing Officer Monteagudo to discharge the Beanbag shotgun. After Sylvas dropped the knife, Sergeant Hurtado directed officers to make entry into the location and take Sylvas into custody. Sergeant Hurtado also telephonically notified the watch commander of the use of force. Sergeant Hurtado assisted with the NCUOF investigation by taking digital photographs of the location, while Sergeant Fuentes assisted with the NCUOF investigation by canvassing and interviewing civilian witnesses in Spanish.

The UOFRB noted, and I concur, that while Sergeant Hurtado's tactical plan was comprised of many aspects, including open lines of communications with the suspect and officers, and the designation of various force option roles and continuous assessment, we would have preferred that Sergeant Hurtado's plan included a more coordinated approach with detailed and defined roles for the officers that entered the restaurant. Clear and concise instructions provided to his team of officers prior to making physical contact with Sylvas, may have negated or at least mitigated the role confusion experienced by the officers.

Additionally, the UOFRB opined and I concur, that the situation could have benefitted from enhanced communication between Sergeants Hurtado and Fuentes regarding requests for specialized resources.

Nonetheless, the UOFRB and I concur that overall, Sergeants Hurtado and Fuentes were faced with a rapidly unfolding and tactically difficult situation that very easily could have escalated further, and it was through their leadership and command and control that the situation was successfully resolved without the use of lethal force. Therefore, the actions of Sergeants Hurtado and Fuentes were consistent with Department supervisory training and met my overall expectations of field supervisors during a critical incident. In an effort to improve future performance, Sergeants Hurtado and Fuentes will be directed to attend a Tactical Debrief specifically addressing the topic of Command and Control and my expectations of field supervisors during a critical incident.

Additional supervisors started a NCUOF investigation and completed post CUOF separation and monitoring duties:

Sergeant Ruiz responded to the scene, initiated a NCUOF investigation and responded to the hospital where he learned that Sylvas was likely going to be admitted to the hospital. Sergeant Ruiz made appropriate notifications, which eventually resulted in FID determining that the investigation would be handled as a CUOF. Sergeant Ruiz made the appropriate notifications and FID assumed investigative responsibility of the incident.

Sergeant Castellanos separated and monitored Officers Gelvin and Nunley at Central CPS.

Sergeant Coss separated and monitored Officers Acevedo and Monteagudo at Central CPS.

Sergeant Jheon separated and monitored Officers Bermudez and Lopez at Central CPS.

Sergeant Ospina separated and monitored Sergeant Hurtado at Central CPS.

Note: The FID investigation determined that there were issues identified regarding the documentation of the separation and monitoring of Sergeant's Hurtado and Fuentes. No separate log was located for Sergeant Ospina, who was responsible for the monitoring of Sergeant Hurtado, nor did the Central Area Watch Commander's Daily Report document the chronological progress of the monitoring of Sergeant Hurtado. In addition, the Central Area Watch Commander's Daily Report did not reflect the separation and monitoring of Sergeant Fuentes, nor were any additional logs located that documented Sergeant Fuentes' separation and monitoring.

The actions of Sergeants Ruiz, Castellanos, Coss and Jheon were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

With regard to Sergeant Ospina, the FID investigation revealed he did not document the chronological progress for the separation and monitoring of Sergeant Hurtado on either a

Sergeant's Daily Report or the Watch Commander's Daily Report. Sergeant Fuentes was separated and monitored in the Sergeant's Room, but she did not recall the supervisor who was in charge of her monitoring and separation.

The actions of Sergeant Ospina were not consistent with Department supervisory training and did not meet my expectations of a field supervisor during a critical incident. Captain Spell advised that this issue was addressed through divisional training and an entry was made into the Learning Management System (LMS). The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur that Sergeant Hurtado's decision to not wear body armor was a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

Additionally, in conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeant Fuentes' along with Officers Acevedo's, Bermudez', Gelvin's, Lopez', Monteagudo's and Nunley's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeants Hurtado and Fuentes, along with Officers Acevedo, Bermudez, Gelvin, Lopez, Monteagudo and Nunley attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On March 21, 2019, Officers Bermudez and Monteagudo attended a GTU. All mandatory topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Lopez

According to Officer Lopez, he advised Sylvas to voluntarily exit the restaurant or officers would enter to take him into custody. Sylvas responded by stating, "I have a gun," and simultaneously reached towards his right pocket. Believing Sylvas was arming himself with a firearm, Officer Lopez unholstered, and immediately observed that Sylvas was armed with a knife. Officer Lopez remained unholstered with his service pistol in a low-ready position.

Officer Lopez recalled,

I said, "Hey, you know ... you're going to come out or we're going to get you out." And he says, "No, you're not." He's like, "I'm not coming out." He's like, "I have a gun." And he, with his right hand, with his -- both of his hand [sic], he reached towards his -- towards his right pocket, and he simultaneously said, "I have a gun." And at that point, I placed my hand on ... my weapon and I unholstered, and immediately observed that it was actually a knife. And I maintained unholstered in a low-ready position.³

Officer Gelvin

According to Officer Gelvin, while officers were communicating with Sylvas and ordering him to exit the restaurant, Sylvas advised the officers that he had a gun and swiftly reached into his pockets. Officer Gelvin heard another officer at scene order Sylvas not to reach for the weapon. Officer Gelvin drew out his service pistol in the direction of the Sylvas in preparation to confront Sylvas who may have been armed with a gun or another weapon. Officer Gelvin also believed that the situation could possibly escalate to lethal force. Officer Gelvin observed that Sylvas came out with a knife from his pocket, so Officer Gelvin transitioned to a low-ready position.

Officer Gelvin recalled,

So while we were talking to him, at some point when he's -- when we're trying to get him to come outside and talk to us, he -- he basically said that he had a gun. And he reached into his pockets pretty -- pretty swiftly. And one of the other officers at scene, I think it was either Bermudez or his partner, said something to the effect of like, "Oh, you got a gun? Don't

³ Officer Lopez, Page 19, Lines 3 and 5-15

reach in your -- don't reach in and get it," or something like that. At that point, I -- I drew out and was pointing my gun at the suspect.⁴

It was my belief at the time that he might pull a gun out of his jacket or another weapon that would need to be addressed by what could possibly escalate to lethal force.⁵

When he came out with his pocket, I checked out what he actually came out with, and it was a knife. At that point, I think I said that he -- he had a knife to the other officers at scene, and I went down to a low-ready.⁶

Officer Monteagudo

According to Officer Monteagudo, due to the nature of the radio call, he believed that the situation may escalate to the point where deadly force is justified and drew his service pistol. The radio call was a "415 man armed with a knife threatening the PR." Officer Monteagudo was also responding to a backup and observed another officer unholstered. Officer Monteagudo recalled,

The reason I unholstered was the nature of the call that I was responding to. So it was a 415 man armed with a knife threatening the PR. That, plus, additionally too, the other officers at scene requesting a backup, which obviously means the situation is going sideways. And when I get on scene, I see the officer's [sic] unholstered, so that leads me to believe that the situation may escalate to the point where deadly force is justified.⁷

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Lopez, Gelvin, and Monteagudo's Drawing/Exhibiting. The UOFRB noted that the officers responded to a radio call with comments indicating the suspect was armed with a knife. Upon the officer's contact with the suspect, the suspect armed himself with a knife and this was communicated to the officers at scene.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Lopez, Gelvin and Monteagudo, while faced with similar circumstances, would reasonably believe that there was a substantial risk this situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Lopez, Gelvin and Monteagudo's Drawing/Exhibiting to be In-Policy, No Further Action.

⁴ Officer Gelvin, Page 9, Lines 9-19

⁵ Officer Gelvin, Page 28, Lines 23-25 and Page 29, Line 1

⁶ Officer Gelvin, Page 9, Lines 20-23

⁷ Officer Monteagudo, Page 47, Lines 6-15

Use of Force – General

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Non-Lethal Use of Force⁸

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*

⁸ Los Angeles Police Department Manual, Volume 1, Section 556.10.

- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Lopez -- Firm Grip

According to Officer Lopez, he observed that Sylvas dropped the knife and subsequently was the first to make entry into the restaurant at the direction of Sergeant Hurtado. Officer Lopez had a clear shot to kick the knife away to prevent Sylvas from re-arming himself and grabbed Sylvas' right hand, using his left hand. Officer Lopez maintained his service pistol in his right hand and while doing so, was unable to reach the knife. Officer Lopez then moved out of the way for the arrest team to grab a hold of Sylvas.

Officer Lopez recalled,

So I saw that he dropped the knife. I stepped forward. That's when I relayed the information that, "Hey, the knife's [sic] on the floor, the knife's [sic] on the floor." I initially made entry. I grabbed his left hand, or his right hand with my left, and I tried to kick the knife out of the way. I wanted to move out of the way initially while seeing how I was -- I had a clear shot to kick the knife away. I was unable to, and I tried to move out of the way for the arrest team to get -- grab a hold of him.⁹

Officer Bermudez -- Physical Force

According to Officer Bermudez, after Sylvas dropped the knife on the floor and the officers were making entry into the location, he observed Sylvas attempting to reach for the knife. In order to create distance between Sylvas and the knife, Officer Bermudez pushed Sylvas on his right shoulder area.

Officer Bermudez recalled,

...I remember hearing that the suspect had dropped a knife. And we -- I remember hearing, "Go, go, go." I remember seeing ... my partner, Officer Lopez, be the first one to make entry. I'm not sure if it was Monteagudo or Acevedo who ended up making entry second, but then I sling my -- my 40, and I made entry. And I saw that the suspect was attempting to reach the knife that he had dropped. So he kind of started going towards it. And I remember trying to push him away to create distance from the knife and himself...¹⁰

⁹ Officer Lopez, Page 15, Lines 7-17

¹⁰ Officer Bermudez, Page 15, Lines 4-15

I grabbed his -- I believe it was his right side, ... his right arm, ... I kind of push him away like that. Just kind of like his shoulder, I guess, kind of try to push him away because I know that I was assigned to the 40, so I wasn't supposed to go hands on, but sees [sic] how he's still trying to go for the knife, I figured, you know, I'd try to create a distance and wait for the officers who were assigned to the contact team to take him into custody.¹¹

Officer Acevedo – Take Down, Physical Force, Wrist Lock

According to Officer Acevedo, in order to prevent Sylvas from re-arming himself with the knife, effect the arrest and take Sylvas into custody with no further incident, Officer Acevedo grabbed Sylvas left arm with his left hand and swept him down to the ground. After the takedown, Sylvas' right hand was concealed underneath his body. Officer Acevedo reached under Sylvas' body and pulled out Sylvas' right hand using his left hand.

Officer Acevedo recalled,

And I could visually see that the knife was on the ground. It was on his left hand side, like on the ground. So therefore, I follow through after Officer Lopez and Officer Monteagudo walked into -- into the room. And my main focus was on the suspect's hands. I was not able to see any weapons on him, so I wanted to make sure that we could effect the arrest and then take him into custody with no further incident. And that point, or at that point, I actually was trying to get him away from the knife, which the knife was on his left hand side, or left hand side of his body on the ground. So I made sure that I grabbed his -- his left arm with my left hand and swept him down to the ground towards the right side of -- of the location. And I kept full control of his -- his right arm. He did have his -- he had his right hand under his body.¹²

I was holding onto his ... right elbow, although his -- I could not see his -- his hand, I was able to still keep control of his right elbow, so then I was -- I started pulling -- I reached under his body and pulled out his hand, in which case, I was able to successfully have a full control of it ... And my left, I used my left hand to grab his -- his actual hand, his right hand.¹³

Note: A review of Officer Acevedo's BWV revealed that he applied a wrist lock to Sylvas' right hand to facilitate the handcuffing. Additionally, Officer Acevedo's BWV captured him using his right and left hands to pull at the right sleeve of Sylvas' sweatshirt, which in turn pulled Sylvas' right hand out from underneath his body.

¹¹ Officer Bermudez, Page 39, Lines 16-25 and Page 40, Line 1

¹² Officer Acevedo, Page 8, Line 25 and Page 9, Lines 1-15

¹³ Officer Acevedo, Page 32, Lines 6-12 and 15-17

Officer Monteagudo – Takedown, Body Weight, Wrist Lock

According to Officer Monteagudo, after entering the location to effect an arrest on Sylvas, he grabbed Sylvas' left wrist with his left hand. Officer Monteagudo then used his right hand to place a C grip on Sylvas' elbow and walked Sylvas down to the ground.

Officer Monteagudo recalled,

... the contact officer entered the building. Due to myself and the 40 being in direct front of the door, Sergeant Hurtado just told us, "Go in, go in, go in," which at that point, we just rushed in because the suspect had dropped the knife and we were -- did not want him to arm himself again ... Once I sling my -- my beanbag, I grabbed suspect's left hand, and we walked the suspect down to the ground.¹⁴

So I had the -- with my left hand, I had the suspect's left wrist. And then with my right hand, I had a C grip on the shoulders [sic] elbow.¹⁵

According to Officer Monteagudo, after Officers Bermudez and Acevedo took Sylvas to the ground, he placed his right knee on Sylvas' lower back to assist the officers with controlling him. Officer Monteagudo then applied a finger flex on Sylvas' hand to bring Sylvas' arm behind his back and facilitate the handcuffing.

Officer Monteagudo recalled,

Well, he was already kind of flopping over to the ground, so we just kind of guide him more - for us, we have more space to work, as in to put his hands behind his back. I started to do like a felony prone where I put my knee into his side, put my right knee into his side or his lower back. And then my left knee over his shoulder blades.¹⁶

I do a finger flex with my right hand. Bringing the suspect's hand, or arm behind his back. And I believe my -- my partner, Nunley, puts the cuffs on the suspect.¹⁷

Note: A review of Officer Nunley's BWV revealed that Officer Monteagudo applied a wrist lock to Sylvas' left hand.

Officer Nunley – Firm Grip

According to Officer Nunley, two officers were holding Sylvas' arms. Officer Nunley approached Sylvas from behind and straddled him. Without placing any bodyweight on Sylvas, Officer Nunley grabbed his right arm and placed the handcuffs on him.

¹⁴ Officer Monteagudo, Page 12, Lines 7-12 and 16-18

¹⁵ Officer Monteagudo, Page 40, Lines 8-10

¹⁶ Officer Monteagudo, Page 41, Lines 16-22

¹⁷ Officer Monteagudo, Page 42, Lines 19-22

Officer Nunley recalled,

That's when two officers -- I don't recall who -- were holding his arms. I approached him -- the suspect from the rear -- from the back, and I straddled him. I stood with -- I stood with my left foot between his two feet and my right foot was on the outside of his foot. I didn't have my body weight on him, but I just -- I only grabbed his -- I grabbed the hand and then I put -- I placed handcuffs on as the officers were passing me his hands.¹⁸

I handcuffed the right hand first and then I handcuffed the left hand ... I grabbed his right arm in order to move it closer so that I could put the cuff on.¹⁹

The UOFRB reviewed each application of non-lethal force by the involved officers in this case and determined that the force used by the officers was reasonable based on Sylvas' physical resistance. Sylvas did not comply with officers' lawful orders to submit to arrest and escalated the incident further when he attempted to re-arm himself with the knife. Throughout the incident, officers issued multiple commands to de-escalate the situation, but were forced to use non-lethal force to take Sylvas into custody and bring the incident to a successful resolution.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Acevedo, Bermudez, Lopez, Monteagudo and Nunley, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Sylvas' resistance and effect his arrest.

Therefore, I find Officers Acevedo's, Bermudez', Lopez', Monteagudo's and Nunley's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Less-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are "capable of inflicting significant

¹⁸ Officer Nunley, Page 11, Lines 14-22

¹⁹ Officer Nunley, Page 49, Lines 15-16 and 22-24

pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

An officer may use the Beanbag Shotgun as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

For tactical and weapon retention purposes, the recommended deployment range for the Beanbag Shotgun is five feet to 45 feet (Los Angeles Police Department Use of Force Tactics Directive No. 6.3, Beanbag Shotgun – July 2018).

An officer may use the 40mm Less Lethal Launcher as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

The minimum recommended deployment range for the 40mm Less Lethal Launcher is five feet, while the effective deployment range is up to 110 feet (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher – July 2018).

Officer Bermudez – 40mm Less-Lethal Launcher

First Discharge – (1) 40mm eXact iMpacT round from a distance of approximately 22 feet aimed at Sylvas’ right hand.

According to Officer Bermudez, with citizens inside the location and Sylvas’ continuous movement while actively waving his hand up and down with the knife, Officer Bermudez fired one round from the 40mm Less-Lethal Launcher at Sylvas’ right hand to stop the immediate threat of violence.

Officer Bermudez recalled,

...seeing how the suspect was actively waving his hand up and down with the knife, continuously moving, I didn’t feel like I had a clear shot of the shoulder based on the -- on the glass that was behind him ... And I told them that the 40 is pretty accurate, and I feel like I have a better shot at aiming for his hand²⁰

²⁰ Officer Bermudez, Page 13, Lines 9-16 and 24-25

I felt that ... if I strike the hand, there's a possibility that I could demobilize his hand and -- and having him drop the knife, and then preventing him from using it ... He was -- he was still armed with people inside the location and shielded.²¹

When he [referring to Sergeant Hurtado] gave me the go ahead, I went ahead and deployed the 40. I struck him in the right hand. I saw that the suspect was still holding the knife in his hand...²²

Note: The FID investigation determined that Sergeant Hurtado was the supervisor providing direction to Officer Bermudez regarding the 40mm LLL.

Second Discharge – (1) 40mm eXact iMPact round from a distance of approximately 22 feet aimed at Sylvas' right hand

According to Officer Bermudez, Sylvas continued to be armed with a knife as well as a chair. Sylvas continued shouting and violently resisting while posing a threat to the citizens inside the location, as well as to the officers standing on the sidewalk. Sylvas started waving the knife in bigger motions while refusing to comply with the officers' orders. Officer Bermudez fired a second round from the 40mm Less-Lethal Launcher at Sylvas' right hand to stop the immediate threat of violence.

Officer Bermudez recalled,

After I reassessed and reloaded, I noticed that he was still armed with a knife ... he was still violently resisting. He was -- he still posed a threat to the bystanders, people inside the location, and the officers ... he was still shouting. He was still armed with a chair. He was still refusing to comply to our orders, and he was still armed with a knife waving it up and down ... if anything, he got a little bit more irritated and he started waving it a little bit, you know, bigger motions ... Like more up and down.²³

And I waited for him to lower the knife, because he was still waving it up and down. I waited for him to lower his hand down so it's an easier target, because if it's high, it could hit the glass, or it could easily ricochet and hit someone else inside the location. So I struck him a second time in the hand.²⁴

Third Discharge – (1) 40mm eXact iMPact round from a distance of approximately 22 feet aimed at Sylvas' right leg

According to Officer Bermudez, Sylvas, while still armed with the knife, started to make threats against the officers stating, "I'm going to kill you." As Sylvas continued to resist and pose a threat to the citizens and officers, Sylvas raised the chair higher, exposing his legs. Sergeant Hurtado ordered Officer Bermudez to take the shot. Officer Bermudez fired a third round from

²¹ Officer Bermudez, Page 31, Lines 18-21, 24-25 and Page 32, Line 1

²² Officer Bermudez, Page 14, Lines 2-5

²³ Officer Bermudez, Page 32, Lines 12-13, Page 33, Lines 4-6, 12-18 and 21

²⁴ Officer Bermudez, Page 14, Lines 6-12

his 40mm LLL aimed at Sylvas' right leg to stop the immediate threat of violence. Officer Bermudez believed he struck Sylvas' outer right leg, but Sylvas still did not drop the knife.

Officer Bermudez recalled,

I noticed that he started bleeding. I remembered stating ... that he was injured. At some point, the suspect is still -- he was making several threats. I'm not sure if he was talking to myself or to my partner or who -- which officer he was talking to, but at some point, he had said, "I'm going to kill you."²⁵

... he was still resisting, and he was still armed, and he still posed a threat to the bystanders and the officers.²⁶

I reloaded, reassessed, and I saw that once he was starting to get injured, he was raising the chair a little bit higher, so I had a better shot of the leg. So I remember stating, I was like, "Hey, there -- there's opening on the legs." I was told to go ahead and take the shot. I shot him in the leg²⁷

I believe it was the right leg.²⁸

Officer Monteagudo – Beanbag shotgun

First Discharge – (1) Super-sock round from a distance of approximately 22 feet aimed at Sylvas' upper right arm

According to Officer Monteagudo, due to the close quarters within the restaurant, Sylvas was armed with a knife and had immediate access to multiple victims that were in close proximity to him. Officer Monteagudo noted Sylvas' erratic behavior and the ineffectiveness of the 40mm LLL. To prevent Sylvas from attacking the citizens inside the location and negate a possible hostage situation, Officer Monteagudo fired a Super-sock round from his Beanbag shotgun at Sylvas' upper right arm to stop the immediate threat of violence.

Officer Monteagudo recalled,

Due to the close quarters where the suspect was at, he was erratic, non-compliant, armed with a knife, and then he had two victims close proximity to him.²⁹

²⁵ Officer Bermudez, Page 14, Lines 13-19

²⁶ Officer Bermudez, Page 35, Lines 7-9

²⁷ Officer Bermudez, Page 14, Lines 20-25 and Page 15, Lines 1-2

²⁸ Officer Bermudez, Page 34, Line 10

²⁹ Officer Monteagudo, Page 11, Lines 13-16

That's -- the reason for using the less lethal was just because we have the -- the patrons inside the restaurant ... they're at great risk of being harmed ... the longer the scenario goes on.³⁰

And then due to the suspect's close proximity to the other subjects inside the building, it was either use a 40, or the beanbag and have him drop the knife, or we risk the chances of him actually getting off from where he's sitting and attacking one of the subjects in the building or having a possible hostage situation.³¹

Sergeant Hurtado then gave the clear for the 40 to engage. The 40 shot three rounds. They were not effective. The suspect was still armed with a knife and refused to comply. At that point, Sergeant Hurtado gave me the clear to engage with the beanbag, in which I aimed for the suspect's upper right arm. It's the only shot that I had available due to the suspect having a chair as a shield. So once he lowered a little bit, while he's moving around, I was able to shoot him in the upper right arm.³²

Second Discharge – (1) Super-sock round from a distance of approximately 22 feet aimed at Sylvas' right thigh

According to Officer Monteagudo, Sylvas continued to wave the knife, while holding it in an overhand stabbing position, and started to scream even louder. Additionally, Sylvas used the chair to cover himself, bracing for another impact. At that point, Officer Monteagudo fired a second Super-sock round from his Beanbag shotgun at Sylvas' right thigh to stop the immediate threat of violence.

Officer Monteagudo recalled,

When I discharged the first rounds [sic], he starts screaming even louder. And then he uses his chair to cover up himself as bracing for another impact, while still having -- waving the knife in his hands, which at that time, I just immediately, I saw him still having the knife in his hand. He refused to drop it.³³

So he had the blade facing downward. He had it by the handle as in a -- as if he would overhand stab someone, in that kind of sense. He was waving it back and forth, side to side after I shot him the first round.³⁴

At that point, I shot another round to the suspect's right thigh, which at that point, he -- he dropped the knife.³⁵

³⁰ Officer Monteagudo, Page 58, Lines 12-16 and 18-19

³¹ Officer Monteagudo, Page 35, Lines 11-17

³² Officer Monteagudo, Page 11, Lines 16-25 and Page 12, Lines 1-2

³³ Officer Monteagudo, Page 36, Lines 2-8

³⁴ Officer Monteagudo, Page 36, Lines 15-19

³⁵ Officer Monteagudo, Page 12, Lines 4-6

The UOFRB reviewed each application of less-lethal force by Officer Bermudez and Monteagudo and determined that the force used was reasonable based on Sylvas' violent actions toward Martinez and the violent threat posed to the citizens inside the restaurant, as well as to the officers at the scene. Sylvas had uttered criminal threats directed towards Martinez and told officers that he was going to kill them as he made stabbing motions with a knife.

The UOFRB noted that Officers Bermudez and Monteagudo conducted individual and distinct assessments between each discharge of less-lethal munitions, to determine the effectiveness and necessity of each round. These assessments also allowed for precision shots on specific target areas. Furthermore, the UOFRB opined that it was beneficial to have multiple less-lethal force options available and that the use of these devices was a major factor in the safe and successful resolution of this incident.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Bermudez and Monteagudo, would believe that Sylvas posed a threat of violence, and while faced with similar circumstances, would believe that the same applications of less-lethal force was reasonable to protect themselves and others, as well as to effect Sylvas' arrest.

Therefore, I find Officers Bermudez' and Monteagudo's Less-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Additional/Required Equipment

Use of Profanity – The investigation revealed that Sergeant Hurtado used profanity during the tactical incident. According to Sergeant Hurtado, the statement was not directed towards the suspect, citizens, nor officers, but rather made out of frustration to himself. Captain Spell advised that this issue was addressed through an informal meeting and counseling. In addition, a SAI was generated regarding this issue. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Personal Protective Equipment – The investigation revealed that Officers Lopez, Bermudez and Monteagudo were not assigned to the arrest team and as such, were not wearing protective gloves during their physical contact with Sylvas, who was bleeding at the time. Officers are reminded of the importance of utilizing personal protective equipment to prevent exposure to blood and other bodily fluids. Captain Spell advised that this issue was addressed through an informal meeting and counseling. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/ Body Worn Video (BWV) – Central Patrol Division vehicles were equipped with DICVS. Officers Nunley and Gelvin DICVS captured a partial view of the Less-Lethal use of force. Sergeant Hurtado, along with Officers Bermudez, Lopez,

Monteagudo and Acevedo's DICVS captured the audio of the discharges of less-lethal munitions and the audio of officers speaking to Sylvas and amongst themselves.

Central Patrol Division personnel were equipped with BWV at the time of the incident. Sergeants Hurtado and Fuentes, along with Officers Bermudez, Monteagudo, Gelvin and Nunley's BWVs captured the Less-Lethal use of force. Officer Lopez' BWV captured the Non-Lethal use of force. Officer Acevedo's BWV captured the Less-Lethal and Non-Lethal uses of force.

Outside Video – Technical Investigation Division (TID) downloaded surveillance footage from 310 West Fifth Street and 312 West Fifth Street. The footage from 310 West Fifth Street captured the interaction between Sylvas and Martinez, the use of force and Sylvas being taken into custody. The footage from 312 West Fifth Street captured the discharge of less-lethal munitions, Sylvas being escorted out of the location and the arrival of LAFD personnel.

Witness Rodriguez supplied FID detectives with three cellular phone videos, which captured Sylvas threatening officers, Sylvas being struck by less-lethal munitions and a part of Sylvas being taken into custody.

Witness N. Madrid supplied FID detectives with two cellular phone videos, which captured the commands given to Sylvas and the discharge of less-lethal munitions.

Respectfully,

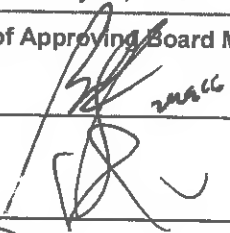

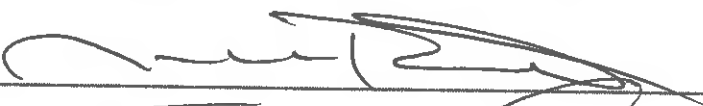
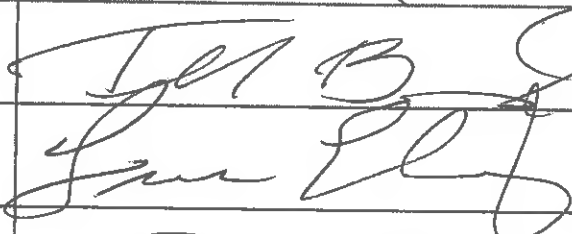
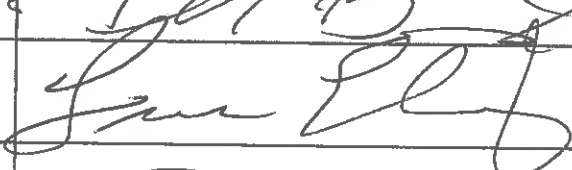
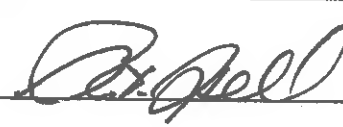

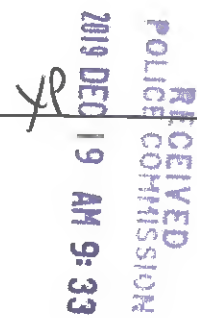

MICHEL R. MOORE
Chief of Police

Date: 12-19-19

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

| | | |
|-------------------|--------|----------------------|
| INC No. 006-19 | CF No. | DR No. 19-0107924 |
| LERI | | |

REVIEW BOARD INFORMATION

| | | | |
|--|---|---------------------------------------|---|
| Location of Incident 310 West 5th Street (Jacky's Restaurant) | RD 153 | Date of Incident February 26, 2019 | Date and Time of Board Review November 18, 2019 1200 Hours |
| Chairman Assistant Chief B. Girmala, Serial No. 24916 | Signature of Approving Board Members: | | |
| Member (Office Representative) Commander M. Rimkunas, Serial No. 32211 |  | | |
| Member (Personnel and Training Bureau) Commander R. Flores, Serial No. 30995 |  | | |
| Member (Bureau) Commander M. Reina, Serial No. 34490 |  | | |
| Member (Peer) Sergeant T. Bogart, Serial No. 33096 |  | | |
| Member (Peer) Officer F. Elizarraraz, Serial No. 39636 |  | | |
| Presenting Commanding Officer Captain S. Spell, Serial No. 30971 |  | | |
| Notes: BOPC: <div style="text-align: center;">  SERGEANT S. TORRES #32569 </div> | | | |
| Additional Considerations: <div style="text-align: right;">  XP </div> | | | |
| Modification to Present Policy, Practices or Training: | | | |
| <div style="text-align: right;"> ■ COP Date Signed: 12/19/19 ■ PC Date Submitted: 12/19/19 </div> | | | |

| | | | | |
|---|------------------------------------|--|--|-------------------------------|
| Employee (Last Name, First, Middle) Bermudez Castillo, Leonel | | Serial No. 42357 | Rank/Class Police Officer II | Incident No. 006-19 |
| Length of Employment 3 years, 2 months | Current Division Central | Time in Current Division 2 years, 4 months | | |

| Use of Force Review Board | Chief of Police | Police Commission |
|---|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint |
| <input checked="" type="checkbox"/> Employee's Work History Reviewed |

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| Notes: |
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SGT. S. TORRES *32569

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

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|---|--|------------------------------------|--|--|
| Employee (Last Name, First, Middle) Gelvin, Christopher | | Serial No. 42397 | Rank/Class Police Officer II | Incident No. 006-19 |
| Length of Employment 3 years, 1 month | | Current Division Central | | Time in Current Division 2 years, 2 months |

| Use of Force Review Board | Chief of Police | Police Commission |
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| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed |
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Notes:

Sgt. S. Torres #32569

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

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|--|----------------------------------|----------------------------|--|-------------------------------|
| Employee (Last Name, First, Middle) Fuentes, Karen | | Serial No. 38859 | Rank/Class Sergeant I | Incident No. 006-19 |
| Length of Employment 11 years, 7 months | Current Division Audit | | Time in Current Division 0 years, 2 months | |

| Use of Force Review Board | Chief of Police | Police Commission |
|---|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint |
| <input checked="" type="checkbox"/> Employee's Work History Reviewed |

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SGT. S. TORRES #32569

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

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|--|--|------------------------------------|---------------------------------|--|
| Employee (Last Name, First, Middle) Hurtado, Richard | | Serial No. 26872 | Rank/Class Sergeant I | Incident No. 006-19 |
| Length of Employment 29 years, 8 months | | Current Division Central | | Time in Current Division 5 years, 5 months |

| Use of Force Review Board | Chief of Police | Police Commission |
|---|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed |
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Notes:

SGT. S. TORRES #32569

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

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|--|--|------------------------------------|--|--|
| Employee (Last Name, First, Middle) Lopez, Nathaniel | | Serial No. 42375 | Rank/Class Police Officer II | Incident No. 006-19 |
| Length of Employment 3 years, 2 months | | Current Division Central | | Time in Current Division 2 years, 4 months |

| Use of Force Review Board | Chief of Police | Police Commission |
|---|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint |
| <input checked="" type="checkbox"/> Employee's Work History Reviewed |

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| Notes: |
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SGT. S. TORRES #32569

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

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|--|--|------------------------------------|--|--|
| Employee (Last Name, First, Middle) Monteagudo, Edward | | Serial No. 42592 | Rank/Class Police Officer II | Incident No. 006-19 |
| Length of Employment 2 years, 8 months | | Current Division Central | | Time in Current Division 1 year, 10 months |

| Use of Force Review Board | Chief of Police | Police Commission |
|---|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

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| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint |
| <input checked="" type="checkbox"/> Employee's Work History Reviewed |

Notes:

Sgt. S. Torres #32569

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

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|--|---|--|--|--|
| Employee (Last Name, First, Middle) Nunley, Philisha | | Serial No. 42129 | Rank/Class Police Officer II | Incident No. 006-19 |
| Length of Employment 3 years, 1 month | | Current Division Central | | Time in Current Division 2 years, 0 months |
| Use of Force Review Board | Chief of Police | Police Commission | | |
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | |
| <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | |
| <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | |
| <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | |
| <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | | |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | |
| Notes: | | | | |
| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed | | Notes: | | |

Sgt. S. Torres #32569

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**